



IRW

PATENT  
Attorney Docket No. HAG 111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

)  
Tsutomu Shoki

)  
Serial No.: 09/052,670

)  
Filed: March 31, 1998

)  
For: X-RAY MASK BLANK AND  
X-RAY MASK

)  
Examiner: S. Rosasco

)  
Art Unit: 1752

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DATE OF DEPOSIT: April 14, 2006

NAME Debra A. Howe

SIGNATURE: Debra A. Howe

**SECOND PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop: Petitions  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.181(a), Applicant through their representatives (hereinafter "Applicant") petitions again that the abandonment of the above-identified application be withdrawn.

On July 15, 1999, Applicant filed Amendment A in the above-identified application. Since a response to this Office Action had not been received, Applicant filed a status inquiry. Having still received no response, Applicant contacted personnel at the USPTO. The Examiner informed Applicant that the application was allowed but went abandoned for failure to pay the issue fee. Consequently, Applicant reviewed the prosecution file for the above-identified application and

determined that a Notice of Allowance was never received<sup>1</sup> and on April 8, 2004, Applicant filed a petition for withdrawal of abandonment setting forth the above facts and indicating that Applicant had no intention of abandoning the above-identified application.

On August 27, 2004, Applicant filed a status inquiry to determine the status of the petition for withdrawal of abandonment. Since no response to the status inquiry for the petition was received, Applicant filed another status inquiry on May 25, 2005 and yet another on January 24, 2006 to determine the status of the petition.

Again, after not receiving any communication from the USPTO, Applicant contacted the Office of Petitions to determine the status of the petition for withdrawal of abandonment. Applicant was informed that a decision denying the petition was mailed on December 18, 2004 and a copy was provided.

According to the decision, the petition was denied primarily because the files of the USPTO for this application indicate that “the Notice of Allowability and Notice of Allowance and Issue Fee Due were mailed to an old address of the petitioner in record” and that Applicant had not filed a notification of mailing address change. It was noted in the decision that Amendment A and the Extension of Time request received July 19, 1999 did provide a new address, i.e. the current address as shown below the signature of the undersigned. However, according to the petition “mere inclusion of a different address in the papers filed in the instant application. . . does not constitute a proper notification of a change in correspondence address . . . [and s]ince the applicant has not promptly informed the Office of any change in correspondence address according to MPEP 601.03, therefore, the request can not be granted.”

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<sup>1</sup> Applicant still does not have a copy of this Notice of Allowance or the Notice of Abandonment.

Applicant has subsequently reviewed the application file and the Firm's records and has determined that a change of correspondence address was filed in the above-identified application on April 21, 1998 which included thereon a signed certificate of mailing stating "I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on April 21, 1998." A true copy of this change of correspondence address is enclosed. Also enclosed is a true copy of the self-addressed postage paid return postcard.

Secondarily, the decision denying the petition indicated that although the petition included a statement by the petitioner that the application file and the Firm's records were reviewed in order to determine whether the Notice of Allowability and the Notice of Allowance and Issue Fee Due were ever received, the petition did not include a copy of the docket record where the non-received Office communication would have been entered had it been received. Applicant submits that prior to April 1, 2002 a manual, paper-based docketing system was in place. The undersigned is submitting herewith true copies of the docket records of this paper-based docket system for this client and matter. Non-relevant information has been redacted from these docket records. These docket records show that the application was amended on July 15, 1999 and that as of November 18, 2002 we were still awaiting further action. Had the undersigned or the firm received any Office Communication following the July 15, 1999 amendment it would have been duly noted in the appropriate docket record. A true copy of the front page of the file folder for the above-identified application which would also have this information is also included. The undersigned has not been able at this time to locate any other records of this paper-based docket system for this client and matter.

On April 1, 2002 Applicant and the Firm instituted a computer-based docketing system. A copy of the docket report for the above-identified application is enclosed herewith. The first entry in the computer-based docketing system is the filing of the first status inquiry following the July 15, 1999 filing of Amendment A. The enclosed docket report does show that an Office Action was and still is expected to be received.

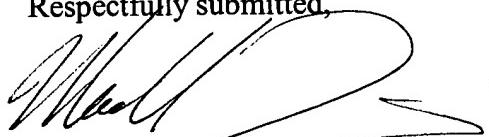
The facts strongly indicate that the undersigned or the undersigned's Firm have never received the Notice of Allowability and the Notice of Allowance and Issue Fee Due. The facts are as follows:

1. The undersigned has reviewed the file of the above-identified application and the Firm's records and discovered that neither the undersigned nor his firm (as attorneys of record) had ever received a Notice of Allowability or a Notice of Allowance and Issue Fee Due.
2. The Applicant filed a change of correspondence address, a true copy of which is enclosed herewith.
3. The records of the USPTO indicate that the Notice of Allowability and Notice of Allowance and Issue Fee Due were mailed to an old address of the petitioner in record.
4. True copies of docket reports and the file folder enclosed herewith show that receipt of an Office Action was expected but was never received.

These facts indicate that the Patent Office never made the requested change of address. The undersigned states that upon penalty of perjury, based on knowledge and belief, all of the above statements are true. Accordingly, Applicant respectfully petitions again that the abandonment be withdrawn, that a new Notice of Allowance and Issue Fee Due issue and that the new Notice of Allowance and Issue Fee Due be sent to the address indicated below. In addition, Applicant respectfully requests any appropriate extension of the term of the Letters Patent to be issued.

Applicant respectfully requests that this petition be accepted as a petition under 37 CFR 1.181(a), which does not require a fee. However, if a fee is required for this petition, the Commissioner is authorized to charge Deposit Account No. 50/1039.

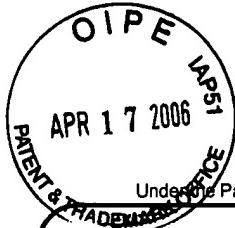
Respectfully submitted,



Michael D. Zaronias  
Registration No.: 54,564

Date: April 14, 2006

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
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Chicago, Illinois 60606  
(312) 236-8500



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**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission		Application Number	09/052,670
		Filing Date	March 31, 1998
		First Named Inventor	Tsutomu Shoki
		Art Unit	1752
		Examiner Name	S. Rosasco
		Attorney Docket Number	HAG 111

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Supporting documents
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Cook, Alex, McFarron, Manzo, Cummings & Mehler		
Signature			
Printed name	Michael D. Zaronias		
Date	April 14, 2006	Reg. No.	54,564

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Debra A. Howe	Date	April 14, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No. HAG 111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Tsutomu SHOKI

Serial No.: 09/052,670

Filed: March 31, 1998

For: X-RAY MASK BLANK AND  
X-RAY MASK

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)  
)

Group No.:

) Examiner: Not Assigned  
)

**CHANGE OF ATTORNEY'S ADDRESS IN APPLICATION**

To: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Please change the correspondence address for the above-identified application to:

COOK, McFARRON & MANZO, LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
Telephone: (312) 236-8500  
Facsimile: (312) 236-8176

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to: Assistant  
Commissioner for Patents, Washington,  
D.C. 20231, on April 21, 1998

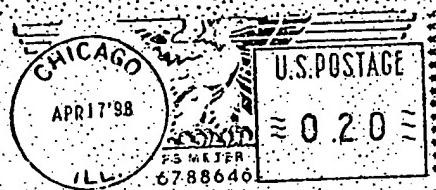
Respectfully submitted:

Edward D. Manzo  
Attorney of Record  
Registration No.: 28,139

Cristine M. Noll

Date 4/21/98

RENT AVAILABLE



Cook, McFarron & Manzo  
200 West Adams St., Suite 2850  
Chicago, IL 60606

THE U.S. PATENT & TRADEMARK OFFICE  
OFFICIAL MAILROOM STAMP AFFIXED  
HERETO ACKNOWLEDGES RECEIPT OF:

ENCLOSURES:

- Application  
 Drawing(s) \_\_\_\_\_ (F) \_\_\_\_\_ (INF.)  
 Check \$ \_\_\_\_\_ No. \_\_\_\_\_  
 Citation Prior Art  
 Claim Priority  
 Extension of Time (duplicate)  
 Communication to Examiner  
 Amendment  
 Amendment after FINAL Rejection  
 PTO Fee Form  
 Assignment  
 Change of Attorney's Address in Patent Application  
 Certified copy of Attorney's Address in Patent Application

RE: APPLICATION

ATTY/SEC. CN

Applicant:

HAG 103; HAG 104; HAG 105; HAG 106;

Our File No: HAG 107; SN  
HAG 108; HAG 109; HAG 110; HAG 111

Filed On \_\_\_\_\_

For:

DATE DUE \_\_\_\_\_ DATE SENT: 4/21/98

HAGIHARA & ASSOCIATES - PATENT DOCKET

November 18, 2002

FILE	INVENTOR	TITLE	SERIAL NO. FILING DATE	STATUS



FILE	INVENTOR	TITLE	SERIAL NO. FILING DATE	STATUS
HAG 111	SHOKI File no: F0040-HOY-US	X-ray Mask Blank and X-ray Mask	Filed 3-31-98 09/052,670	Amended 7-15-99

HAGIHARA & ASSOCIATES - PATENT DOCKET

September 12, 2001

FILE	INVENTOR	TITLE	SERIAL NO. FILING DATE	STATUS
F				
I				
I				
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FILE	INVENTOR	TITLE	SERIAL NO. FILING DATE	STATUS

FILE	INVENTOR	TITLE	SERIAL NO.	STATUS
			FILING DATE	
HAG 111	SHOKI File no: F0040-HOY-US	X-ray Mask Blank and X-ray Mask	Filed 3-31-98 09/052,670	Amended 7-15-99

**HAGIHARA & ASSOCIATES - PATENT DOCKET**

December 19, 2000

FILE	INVENTOR	TITLE	SERIAL NO.	STATUS
			FILING DATE	
H				
H				
E				
I				

FILE	INVENTOR	TITLE	SERIAL NO.	FILING DATE	STATUS
HAG 111	SHOKI	X-ray Mask Blank and X-ray Mask File no: F0040-HOY-US	Filed 3-31-98 09/052,670	Amended 7-15-99	

## Hagihara & Associates

Matter ID	Client Ref	Title	Filing Date	Issue Date
			Application #	Issue #
0524-0111	F0040-HOY-US	US Patent - X-Ray Mask Blank and X-Ray Mask	3/31/1998	09/052,670
		Action(s): 11/18/2002	Status Inquiry sent	
		Action(s): 2/18/2003	Waiting for Office Action	
		Action(s): 4/7/2004	Status Inqiy Filed	
		Action(s): 4/8/2004	Petition for Withdrawal of Abandonment Filed	
		Action(s): 7/7/2004	Waiting for Office Action	
		Action(s): 8/27/2004	Status Inqiy Filed	
		Action(s): 11/26/2004	Waiting for Office Action	
		Action(s): 5/25/2005	Status Inqiy Filed	
		Action(s): 8/25/2005	Waiting for Office Action	
		Action(s): 1/24/2006	Status Inqiy Filed	
		Action(s): 4/24/2006	Waiting for Office Action	

CLIENT HOL6000  
MATTER NO. 00056 14  
BILL CODE 0056

FILE NO. HAB 111  
ATTORNEY EDM/MJM  
CLIENT REF. NO. F0040-HOY-US

APPLICATION OF

TSUTOMU SHOKI

TITLE

X-RAY MASK BLANK AND X-RAY MASK

EXECUTED \_\_\_\_\_  
PRIORITY DATE \_\_\_\_\_

FILED MARCH 31, 1998  
SERIAL NUMBER 09/052,670

Hoya Corporation

ASSIGNMENT

Executed \_\_\_\_\_  
Reel 9088 Frame 0341

Interest 100%  
Recorded MARCH 31, 1998

AMENDMENTS

OFFICIAL ACTIONS

1. OA 4/2/99	DUE <u>Amendm 7/1/99 (3mths)</u>	FILED <u>7/15/99</u>
2.		
3.		
4.		
5.		
6.		

ALLOWANCE

Allowed \_\_\_\_\_ Number \_\_\_\_\_

Three Months Expire \_\_\_\_\_ Date \_\_\_\_\_

Issue Fee Sent \_\_\_\_\_

Remarks \_\_\_\_\_

111